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WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

MATTHEW KEITH MCBRIDE

Civil Action No. 2:13CV0390 SEC. P

Plaintiff

Prisoner # 12073357

VS.

Judge MINALDI

BEAUREGARD PARISH

Magistrate Judge KAY

Defendant

APPLICATION TO PROCEED *IN FORMA PAUPERIS*
PURSUANT TO 28 U.S.C. § 1915

I, Matthew Keith McBride, prisoner/ICE identification number 12073357,
(Full Name)

declare that I am the: Plaintiff ☒ Petitioner ☐

* If you are a plaintiff in a civil rights action, are you serving a criminal sentence? Yes ☒ No ☐

* If you are **not** serving a criminal sentence, are you being held pursuant to a detainer placed upon you by a government agency such as the U.S.

Immigration and Customs Enforcement (ICE)? Yes ☐ No ☐

☐ Movant (filing 28 U.S.C. § 2255 motion)

☒ Other 1983 civil complaint

in this case. In support of my request to proceed without prepayment of the full filing fee or costs under 28 U.S.C. § 1915, I declare that I am unable to pay the full filing fee or costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

(Rev. 12/6/12)

1. Are you incarcerated? Yes ☒ No ☐

If "Yes," state place of incarceration: Dallas county Jail, Dallas Tx

If "No," this is the incorrect form. You should request the Application to Proceed *In Forma Pauperis* for non-prisoners.

2. Do you have a work, program, status assignment, or other circumstances which causes you to be paid by the prison, jail, or other custodial institution? Yes ☐ No ☒

3. In the past 12 months have you received money from the following sources? If so, state the total amount received.

Amount

- | | | | |
|--|---|-----------------------------|--------------------------------|
| a. Business, profession, or other self-employment | Yes <input type="checkbox"/> | No <input type="checkbox"/> | \$ _____ |
| b. Rent payments, interest, or dividends | Yes <input type="checkbox"/> | No <input type="checkbox"/> | \$ _____ |
| c. Pensions, annuities, or life insurance payments | Yes <input type="checkbox"/> | No <input type="checkbox"/> | \$ _____ |
| d. Disability or Worker's Compensation Payments | Yes <input type="checkbox"/> | No <input type="checkbox"/> | \$ _____ |
| e. Gifts or Inheritances | Yes <input type="checkbox"/> | No <input type="checkbox"/> | \$ _____ |
| f. Any other sources | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | \$ <u>Account Summary w/in</u> |

If the answer to any of the above is "Yes," describe each source of money and state the amount received **and** the amount that you expect to continue to receive.

4. Do you have **any** cash or checking or savings accounts outside the prison?

Yes ☐ No ☒ Amount \$ _____

5. Do you have a secondary savings account, such as a certificate of deposit or a savings bond?

Yes ☐ No ☒ Amount \$ _____

6. Do you own any assets including real estate, stocks, bonds, securities, other financial instruments, automobiles, or other valuable property?

Yes ☐ No ☒

(Rev. 12/6/12)

If "Yes," describe each asset and state its value:

	<u>Value</u>
Automobiles _____	\$ _____
Make/Model/Year _____	\$ _____
Stocks _____	\$ _____
Bonds _____	\$ _____
Notes _____	\$ _____
Real Estate _____	\$ _____
Mortgage Amount	\$ _____
Other _____	\$ _____

7. Have you on any prior occasion, while incarcerated or detained in any prison, jail, or other facility, brought an action in federal court that was dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief could be granted?

Yes ☐ No ☒

If "Yes," list the dismissals:

<u>Date Dismissed</u>	<u>Case Name</u>	<u>Case Number</u>	<u>Court</u>
_____	vs.	_____	_____
_____	vs.	_____	_____
_____	vs.	_____	_____

I declare under penalty of perjury that I have submitted a complete statement of all of the assets that I possess and that all of the information set out above is true and correct.

Executed on 03/07/2013
(Date)

M. McBride Sr.
(Signature of Applicant)

(Rev. 12/6/12)

CERTIFICATE

I request that an authorized officer of the institution in which I am confined, or other designated entity, complete the below financial certificate. I understand that:

- (1) if I commence a petition for Writ of Habeas Corpus in federal court pursuant to 28 U.S.C. §2254 or 28 U.S.C. §2241, the filing fee is \$5.00, and such fee will have to be paid by me.
- (2) if I file a civil action with this court (such as an action pursuant to 42 U.S.C. §1983) the filing fee is \$350.00, and, that:
 - (a) if my current account balance at the institution is \$350.00 or more, I will not qualify for *in forma pauperis* status and I must pay the full filing fee of \$350.00 before I will be allowed to proceed with the action;
 - (b) if my current account balance at the institution is \$350.00 or less and I am a prisoner and not an ICE detainee, that before the action will be served on the defendants, I will be required to pay 20 percent of my average monthly balance, or the average monthly deposits to my account, whichever is greater. Thereafter I must pay installments of 20 percent of the preceding month's deposits to my account in months that my account balance exceeds \$10.00, and I hereby authorize the institution where I am confined to make such deductions. I must continue to make installment payments until the \$350.00 filing fee is fully paid, without regard to whether my action is closed or my release from confinement;
 - (c) if my current account balance at the institution is \$350.00 or less and I am an ICE detainee granted IFP status, I will not pay any of the \$350.00 filing fee in a civil matter and will only pay \$5.00 in a habeas matter. If I am an ICE detainee and I am denied IFP status, I must pay the full \$350.00 filing fee.
- (3) I further state that I have not directly or indirectly paid or caused to be paid to any inmate, agent of an inmate, or family member of any inmate a sum of money, favors or anything else for assistance in the preparation of this document or any other document in connection with this action.
- (4) if I am located in a prison participating in the Electronic Filing Pilot Project, I consent to receive orders, notices and judgments by Notice of Electronic Filing.

03/07/2013

(Date)

Matthew H. McBride

(Printed Name of Applicant)

M. McBride Sr.

(Signature & Prison Number of Applicant)

(Rev. 12/6/12)

AUTHORIZATION

I, Matthew H. McBride prisoner/ICE detainee identification number 12073357, request and authorize the institution holding me in custody, to send to the Clerk of Court for the United States District Court, Western District of Louisiana, a certified copy of the statement for the last six months of my account at the institution where I am incarcerated and/or detained. If required by this court, I further authorize the institution holding me to forward from my account to the Clerk of Court any initial partial filing fee assessed by the Court in the amount of 20 percent of the greater of the average monthly deposits to my prison account or the average monthly balance in my prison account for the six-month period immediately preceding the filing of this complaint or petition. Thereafter, if I am a prisoner and not an ICE detainee, I authorize the institution of incarceration to forward monthly payments of 20 percent of my preceding month's income credited to my prison account to the Clerk of Court each time my balance exceeds \$10.00 until I have paid the filing fee in full.

This authorization is furnished in connection with the commencement of a civil action, and I understand that the total amount of filing fees for which I am obligated is \$350.00. I also understand if I am a prisoner and not an ICE detainee that these fees will be debited from my account regardless of the outcome of my civil action. This authorization shall apply to any other institution into whose custody I may be transferred.

I further acknowledge that I have not directly or indirectly paid or caused to be paid to any inmate, agent of an inmate, or family member of an inmate a sum of money, favors or anything else for assistance in the preparation of this document or any other document in connection with this action.

03/07/2013

(Date)

M. McBride Sr.

(Signature of Prisoner)